

Goodman & Hurwitz, P.C.
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August 13, 2008

BY E-MAIL AND REGULAR MAIL

Kelly G. Keenan, Esq.
Legal Counsel to the Governor
111 S. Capitol Ave,
Lansing, MI 48909

Re; Petition and Charges against the
Honorable Kwame M. Kilpatrick

Dear Mr. Keenan,

I write in response to Ms. McPhail's letter of this date. With regard to her request for a pardon, immunity etc. for the Mayor, we have no comment whatsoever.

As to Ms. McPhail's request, that she be allowed to call Council members as witnesses, I have previously (on August 8, 2009) asked be advised as to the purpose(s)

for calling members as witnesses, the areas in which they will be questioned and why the calling of these witnesses is pertinent to the Mayor's defense in this matter. Not having received a response to these inquiries, I can think of no good reason why members of Council can or should be called as witnesses. The allegations in the petition presently pending before the Governor go to the *Mayor's* official misconduct in failing to disclose to members of Council the existence of a confidentiality agreement. In so doing, the Mayor incurred and authorized the settlement by obtaining Council's "consent" to the settlement, without disclosure, indeed through deliberate concealment. He did so, it is alleged, by the use of his public trust for personal benefit.

When the petition was filed, we attached a number of documentary exhibits, as well as several days of sworn testimony. It is these exhibits and transcripts that form the factual basis of Council's petition and for which it seeks his removal from office. The opinions, actions and statements of the members of Council are irrelevant and I would request a ruling, *in limine*, that unless a reason pertinent to the mayor's defense is articulated and reasonably established, that the Mayor not be allowed to call Council members as witnesses.

Again I thank you and the Governor for your attention and patience.

Respectfully,

/S/

William Goodman
Special Counsel, Detroit City Council

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cc: David Whitaker, Esq., Sharon McPhail, Esq.; James Thomas, Esq.